

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-11825-NMG

G. DAVID IVERSON and
ACCESS WITH SUCCESS,
INC.

Plaintiffs,

v.

CITY OF BOSTON,
Defendant.

JOINT STATEMENT PURSUANT TO LR 16.1

In compliance with Fed. R. Civ. P. 26(f) and Local Rule 16.1, the parties to the above captioned action conferred for the purposes of preparing an agenda of matters to be discussed at the scheduling conference; preparing a proposed pretrial schedule, including a discovery plan; and considering the option of trying this case before a magistrate judge.

The parties have conferred, pursuant to Local Rule 16.1(b)(3), and do not consent to trial of this action before a Magistrate Judge.

Plaintiffs do not have special damages or contract damages that can be computed as a sum certain. They seek compensatory and exemplary damages for violations of their civil rights to be determined by the trier of fact; for purposes of compliance with Local Rule 16.1(C), Plaintiffs demand one million dollars.

The certificate required by Local Rule 16.1(D)(3), from Plaintiff was filed on January 10, 2005.

LOCAL RULE 16.1(D) PROPOSED PRETRIAL SCHEDULE

I. Nature of Action

The complaint alleges that certain programs, services and facilities in the City of Boston are not accessible to individuals with disabilities, and seeks declaratory and injunctive relief against Boston pursuant to the American Disabilities Act, 42 U.S.C. § 12181, et seq., Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, Article 114 of the Massachusetts Constitution and the Equal Rights Law, M.G.L. c.93 § 103.

II. Discovery Schedule

- A. Mandatory disclosures by a party pursuant to Rule 26 will be made by July 30, 2005.
- B. Written Discovery must be served by October 30, 2005.
- C. Depositions must be completed by January 27, 2006.
- D. The parties will identify any expert witnesses who may testify on their behalf at trial and will provide expert disclosures, as required by Fed. R. Civ. P. 26(a) (2), by November 30, 2005, or sooner as may be required pursuant to Fed. R. Civ. P. 26, 33 or 34.
- E. Rule 34 Inspection completed by August 30, 2005
- F. The parties will identify any rebuttal expert witnesses who may testify on their behalf at trial and will provide expert disclosures, as required by Fed. R. Civ. P. 26(a) (2), no later than February 1, 2006.

III. Motion Scheduling

- A. The parties shall file all dispositive motions, including Rule 56 Motions, together with supporting documents, by May 31, 2006. A Rule 12(b)(6) motion has been pending before the Court since December 2004. A related discovery motion under Rule 56(f) is also pending.

B. The Court will schedule a pre-trial conference after January 27, 2006.

C. Discovery motions, to the extent that they are necessary, will be filed prior to the close of discovery, January 27, 2006.

D. Trial motions must be served no fewer than seven (7) days prior to trial, except for good cause.

Respectfully submitted,

The Plaintiffs,
By their Attorney

/s/ Nicholas S. Guerrera

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The Defendant
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